

Cause Number DC-18-05510

Marissa Pittman

Court Number District court

Plaintiff: Jason Patrick Jones

Vs

Dallas Veterans Hospital, VA North Texas Health Care System Dallas, Texas

PLANTIFF'S ORIGINAL PETITION

DISCOVERY CONTROL PLAN

Plaintiff request a level two discovery plan

PARTIES

Plaintiff Jason Patrick Jones an individual who resides at Salvation Army 5302 Harry Hines Blvd. Dallas, TX 75219 home address, mailing address is 4848 Lemmon Ave Box 415 Dallas, TX 75219

Defendant Dallas Veteran Hospital, Va North Texas Health System may be served with process by serving its corporations registered address Dallas Veterans Hospital, VA North Texas Health Care System 4500 S Lancaster Rd, Dallas, TX 75216 214-742-8387

VENUE

At all-time to the cause of action detailed below, plaintiff and defendant resided in the city of Dallas, county of Dallas, Texas. Furthermore the actions complained of below arose in whole or in part in the city of Dallas, Texas.

FACTUAL BACKGROUND

On August 1, 2016 the plaintiff Jason Patrick Jones presented to the emergency room at 4500 s. Lancaster Rd, Dallas tx 75216 Dallas Veterans Hospital for a forensic sexual assault exam to collect evidence following a sexual assault that he was the victim of on 08/01/2016 in Dallas, TX. The plaintiff was drugged and raped by a group of people at a night club "lizard Lounge" on Swiss ave in deep ellum dallas. After checking into the emergency and waiting to be seen by an emergency room physician. A man named Robert working in the emergency room notified the plaintiff Jason P Jones that they do not do rape kits/sane exams at the dallas VA hospital. The Plaintiff was upset about this and did not want a transfer to another facility as he is a veteran and didnt want to have to be seen at another facility or explain what happend again to another person. Robert said that they could not do one there and that Jason Patrick Jones would have to be transfered to Parkland hospital where they have a trained team to perform these exams. Against Jason Patrick Jones wanting he was transfered to another hospital, see exhibit 1 documents from Jason Patrick Jones dallas va health record. The documentation is done by a nurse name amy lester who the plaintiff never actually saw in the emergency room. Robert who

the plaintiff believed was a nurse was the only one Jason Patrick Jones spoke to. The document shows va police notified, va police notified dallas police to transport the patient to Parkland Hospital. After being in the Dallas Va emergency room for almost over two hours a dallas police officer picked Jason Jones up and transferred him in the back of a marked dallas police car. The Police officer took Jason Jones to Methodist Dallas not to Parkland. Jason thought he was there to see a special team to do his rape kit/sane exam but was never seen by an Emergency room doctor there either and Methodist does not know where the rape kit is at. Dallas police wont respond regarding this issue giving me Jason Jones the officers name that picked me up. I did report the case to the Dallas Police Department Detective Abel Lopez is the investigating officer. See exhibit 2 part of the sane exam documents showing i arrived via dallas police department. All hospital emergency rooms are required to provide sexual assault forensic exams passed by Wendy Davis senate bill 1191. Also, the texas health and safety code 323.0045 states that all nurses working in an emergency department of a healthcare facility must have basic evidence collection training.

CAUSE OF ACTION

Medical-Malpractice

DAMAGES

As a result of defendants actions complained of in this petition. Plaintiff suffered the following damages. The plaintiff has suffered great irreparable losses since his visit to Dallas VA hospital. He has been unable to work as a surgical tech for a year and a half. He has had multiple psychiatric hospitalizations to include three months at state hospital Wichita falls. The state has found the plaintiff mentally disabled since his psychiatric diagnosis following the negligent sexual assault examination, he lives in great fear of retaliation and other sexual assaults from this same party. There inadequate evidence collection, and lack of documentation, along with delinquent medical test, has allowed the 3 perpetrators to not be prosecuted. The hospital cannot find the rape kit. This has caused great heart ache, pain and suffering, and a disabling mental health status. The plaintiff is suing for 10, 000,000.00 ten million in damages from Dallas Veterans Hospital, VA Health Care System North Texas.

APPLICATION FOR TEMPORARY INJUNCTION

The plaintiff prays for the court to put a temporary restraining order against Dallas VA employee first name Robert Whittaker in the emergency room department, for breaking his scope of practice as an emergency room triage nurse and transferring me to another hospital without seeing an emergency room doctor at the Dallas Veterans Hospital. I'm in a work therapy program at the dallas va and report there every day. I can not get the va director Jeffery Milligan to respond or the assistant director, to help with the situation and need court protection.

REMEDIES REQUESTED

Based on the above plaintiff request the court to award plaintiff the following remedies, Damages for loss of plaintiffs profit and wages because of his inability to work. Pain and suffering from his disabling mental health diagnosis following the lost/ruined sexual assault kit in the amount of 10,000,000.00 ten million for tort medical malpractice

PRAYER

Plaintiff prays that defendant be cited to appear and answer the allegations of the allegations contained in this petition, to hopefully find out why I was not seen by an Emergency room doctor and the kit was not done there, and find out why I was not treated with the industry standard of care, and cooperate with instructions for temporary injunction of restraining order. I Jason Jones am in a work therapy program and at the Dallas VA Hospital and report there daily for assignments and in fear of retaliation.

Respectfully Submitted,

Jason Patrick Jones



4848 Lemmon AVE BOX 415
Dallas TX 75219

Progress Notes

Printed On Mar 16, 2018

HOURS WITH FOOD AS NEEDED

ALPRAZOLAM 0.5MG TAB
AS NEEDED

Sig: TAKE ONE TABLET BY MOUTH TWICE A DAY

DEXTROAMPHETAMINE 15MG TR CAP
DAY

Sig: TAKE 1 CAPSULE BY MOUTH THREE TIMES A

Problem List:

Housing lack (SCT 266935003)

Lack of Housing (ICD-9-CM V60.0)

Screening Colonoscopy With Fam Hx Of Colon Ca (ICD-9-CM V76.51)

Family History of Malignant Neoplasm of Gastrointestinal Tract (ICD-9-CM V16.0)

Tobacco Use Disorder (ICD-9-CM 305.1)

Adult attention deficit hyperactivity disorder (SCT 444613000)

TRIAGE:

2 High Risk situation/or confused/lethargic/disoriented/or severe
pain/distress

DISPOSITION:

Emergency Department Bed Number:

/es/ Robert W Whitaker I II, RN, BSN

Registered Nurse

Signed: 08/01/2016 19:35

08/01/2016 ADDENDUM

STATUS: COMPLETED

1950 VA police and Wanda, SW notified of assault. Pt informed that he needs
to goto Parkland to receive a proper exam. Dallas PD called by VA police and
DPD on the way to transport pt to Parkland. pt is homeless and has nop
transportation

/es/ AMY LESTER

Registered Nurse

Signed: 08/01/2016 19:55

PATIENT NAME AND ADDRESS (Mechanical Imprinting, If available)

JONES, JASON PATRICK
6336 KNOLL RIDGE DR
DALLAS, TEXAS 75249

VISTA Electronic Medical Documentation

Printed at DALLAS VA MEDICAL CENTER

Progress Notes

Printed On Mar 16, 2018

LOCAL TITLE: NUR EMERGENCY DEPT TRIAGE NOTE
 STANDARD TITLE: NURSING EMERGENCY DEPT TRIAGE NOTE
 DATE OF NOTE: AUG 01, 2016@19:18 ENTRY DATE: AUG 01, 2016@19:18:31
 AUTHOR: WHITAKER, ROBERT W EXP COSIGNER:
 URGENCY: STATUS: COMPLETED

*** NUR EMERGENCY DEPT TRIAGE NOTE Has ADDENDA ***

Patient: JONES, JASON PATRICK DOB: [REDACTED] SS# [REDACTED]

Patient stated personal identifiers: Name, SSN , Birth Date

ARRIVED: Ambulatory

ARRIVAL MODE: Privately Owned Vehicle

Patient unable to give personal identifiers, so Veteran's identity was verified by:

ARRIVED: Ambulatory

ARRIVAL MODE: Public Transportation

CHIEF COMPLAINT: PT was at nightclub and believes he was "date raped" at a club Saturday. States when he woke up he had rectal bleeding and chafing. PT believes he knows the party involved. VAPD/Social Worker notified.

Onset: day(s)

Source of Info: Patient

Vital Signs:

BP: 128/83 (08/01/2016 19:16)
 P: 77 (08/01/2016 19:16)
 R: 18 (08/01/2016 19:16)
 Pulse Ox: 98% 8/1/16@19:16:56
 T: 97.3 F [36.3 C] (08/01/2016 19:16)
 Pain: 0 (08/01/2016 19:16)

Allergies: Patient has answered NKA

Immunizations:

Immunization	Series	Date	Facility	Reaction Info
INFLUENZA, UNSPECIFIED FORMULATIO*		11/10/2015	Jps	
TDAP	B	05/25/2010	FORT WORTH*	

Active Meds: Computer is the source for the following medication list:

IBUPROFEN 600MG TAB Sig: TAKE ONE TABLET BY MOUTH EVERY 8

PATIENT NAME AND ADDRESS (Mechanical Imprinting, if available)

JONES, JASON PATRICK
 6336 KNOLL RIDGE DR
 DALLAS, TEXAS 75249

VISTA Electronic Medical Documentation

Printed at DALLAS VA MEDICAL CENTER

SEXUAL ASSAULT FORENSIC



Please print legibly. To be filled out with medical information gathered from the patient. Please inform the patient that, should the case go to court, it may be necessary to gather additional evidence at a later time. Fill all spaces with information or N/A.

Name: Jones, Jason DOB: [REDACTED] Sex: M Race: Caucasian
 Address: homeless Phone: no phone
 Patient Brought in by: Dallas PD Agency or Relationship of Escort: Dallas PD
 Hospital Number: D400995947 Law Enforcement Case Number: 184800-2016
 Exam Date: 8-4-2016 Beginning Time of Exam: 2339
 VITAL SIGNS: Time 2341 Temp 98° Pulse 73 Resp 16 B/P 120/82
 Known Allergies: N/A
 Current Medications: Xanax

HISTORY OF ASSAULT: Patient's description of pertinent details of the assault, if known by patient, such as orifice penetrated, digital penetration or use of foreign object, oral contact by assailant, oral contact by patient, etc.

PT states "I was at a club. I remember being sprayed in the face with something. I woke up in the parking lot on the ground. I was assaulted by two women and a man. The woman put her mouth on my penis. The man put his penis in my rectum. They wiped me down with something and redressed me. P. [Signature] RN, CA-80167

Date of Assault: 7-31-2016 Time of Assault: ~0130 Number of Assailants: 3

Prior to evidence collection, patient has: ☒ Touched ☒ Wiped/Washed ☒ Bathed ☒ Showered ☒ Urinated
☒ Defecated ☒ Vomited ☒ Had Food or Drink ☒ Brushed Teeth or Used Mouthwash ☒ Changed Clothes ☒ Smoked
☐ Other ☐ None of the Above

At time of assault, was:

Contraceptive foam or spermicide present? N/A ☐ Yes ☐ No ☐ Unknown

Lubricant used by assailant? ☐ Yes ☒ No ☐ Unknown

What kind?

Condom used by assailant? ☐ Yes ☒ No ☐ Unknown

Tampon present during assault? ☐ Yes ☒ No ☐ Unknown

Patient menstruating? ☐ Yes ☒ No ☐ Unknown

Assailant injured during assault? ☐ Yes ☒ No ☐ Unknown

If known, where?

Was there penetration? ☒ Oral ☐ Female Sexual Organ ☒ Anus ☐ Unknown

Did ejaculation occur? ☐ Oral ☐ Female Sexual Organ ☐ Anus ☒ Unknown

☐ Other (specify) _____

At time of exam, was tampon present?

Menstruation at time of exam? ☐ Yes ☒ No

When was the patient's most recent sexual contact with a male up to one week prior to the assault? denies

Race of that individual: N/A

If the response is less than 48 hours, inform the patient of the possibility that blood and fluid samples may be requested from that individual at a later time.

P. [Signature] RN, CA-80167
 SIGNATURE OF EXAMINER

I hereby authorize Methodist Dallas to perform a sexual assault examination and
request payment for this forensic evidence examination from the law enforcement jurisdiction to which the crime was reported.

Jones, Jason
PRINTED NAME OF PATIENT

8-1-2016
DATE OF EXAMINATION

184800-2016
CASE #

NOTE: Once form is signed, it should be sent to the law enforcement jurisdiction for authorization of payment.

Dallas PD
LAW ENFORCEMENT AGENCY

DATE TIME

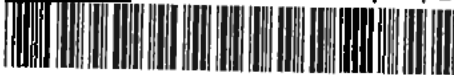
AUTHORIZED SIGNATURE OF LAW ENFORCEMENT OFFICIAL

PRINTED NAME OF LAW ENFORCEMENT OFFICIAL

JONES, JASON

DU00995947/DA0128800737

40/M 08/01/16



NOTE: Please return this form to the hospital within 10 days. Texas Civil Statute Article 44471 requires that law enforcement agencies pay for evidence collection examinations in the case of reported sexual assault.



DALLAS MEDICAL CENTER

NE NURSING FLOW SHEET/CHARGE SHEET

JONES, JASON

DU00995947/DA0128800737

40/M

08/01/16



Rights of the Patient (TX.323.005), the Role of Sexual Assault Nurse Examiner and the SAFE Team explained to patient

Signed Authorization/Consent for Medical Forensic Examination obtained.

Room Cleaning Log Completed

Reporting SA

Case Number

184800-2016

Law Enforcement notified

Agency

Dallas PD

Officer:

Police not notified at the request of the patient, NO blood or urine, Only collect undergarments unless compelling reason to collect other

In-Reporting SA, complete DPS paperwork

Unique Identifier: NRSAMHD

Person(s) in room during exam

Advocate Name

Pam

Student Name

Other

Blood Drawn, Site:

Antecubital

(only able to get 1 grey tube (dehydrated? useless))

Urine Collected

No Reason:

Pregnancy Test: N/A

Urine

Serum

Results:

Positive

Negative

Photo documentation Completed with book mark end

if Not- why?

Patient Refused

Genital exam with photo documentation

if Not- why?

Patient Refused

Not indicated

Medical/Forensic evidence collected, as indicated by history & assessment.

if Not- why?

Exam extensive in length, reason

N/A

Physician: consulted initially & updated after assessment, EDMD's Name(s): Master

Pregnancy prophylaxis discussed: N/A

Primary physician notified of order

Declined by patient

STI Exposure prophylaxis discussed:

Primary physician notified of order

Declined by patient

HIV/AIDS Referral to local resource for testing and treatment

Patient History reveals return to home is safe

Patient History reveals safety plan needed prior to discharge

End-of-report by SANE to ED Primary Care RN Name:

Keshawn

CPS called

No

Yes, case number

Evidence Disposition:

Stored in Secured Lock Box and logged

Check all that apply: Sealed SA Kit Sealed Tox Kit Sealed Clothing Bag (s) # Oral wash, Marked on front of SA Kit

CPT Code	Description	Charge
Rev Code 450 or 760	Facility Charge	\$250.00
57452	SA Exam with digital Photography	\$250
99283	SA Exam without digital Photography	\$200
81025	Pregnancy Test	\$6.00
81001	Urinalysis (MDMC)	\$9.00
80101	Drug or Alcohol screen (MDMC)	\$44.00
99000	Lab Specimen handling	\$20.00
36415	Venipuncture	\$20.00
99199	Anogenital exam utilizing digital photography	\$100
99499	Evaluation Fee (requires additional documentation)	\$106/hr
99050	Medical Services after hours (holiday, Saturday, Sunday)	\$50
99053	Medical Services- between 10 pm and 8 am at 24 hour facility	\$50.00
9015 / 99070	Evidence collection kit	Up to \$50.00
99070	Supplies- Toxicology kit	Up to \$100.00

November 2013 Version

IE'S Printed Name & Credentials:

P. Feltis RN, CA-SANE